



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,044	07/08/2003	Hideaki Shiga	Q76461	6706

23373 7590 09/20/2006

SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER

HERNANDEZ, NELSON D

ART UNIT PAPER NUMBER

2622

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/614,044

Applicant(s)

SHIGA, HIDEAKI

Examiner

Nelson D. Hernandez

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/8/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Objections***

2. Claim 4 is objected to because of the following informalities: in "... shutter button is adapted for use to indicate the timing..." the use of the phrase is adapted for suggests or makes optional but does not require steps to be performed. See MPEP 2111.04 [R-3]. For examiner purposes the limitations will be read as "... shutter button to indicate the timing..." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurase, US 2002/0063783 A1 in view of Tsukahara, US Patent 6,295,088 B1.**

**Regarding claim 1**, Kurase discloses a digital video camera (See figs. 1-3) comprising: a camera body (Fig. 1: 10); an imaging means (Fig. 3: 68) provided in the

camera body capable of selectively imaging a still or motion picture image (Using mode dial 50 as shown in fig. 3); and a display means (Fig. 2: 64) provided on the camera body for displaying said image, wherein said camera body has a slot capable of removably receiving a flexible disk for storing said image data (Kurase teaches that the camera uses Floppy Disc Card or magnetic disks or other memory mediums; page. 4, ¶ 0055) (Page 3, ¶ 0044-0046; page 4, ¶ 0055).

Kurase does not explicitly disclose a communication means provided in the camera body for transmitting image data obtained by said imaging means to an external image data receiving means.

However, Tsukahara teaches a digital camera comprising: a camera body (See figs. 1 and 14); an imaging means (Col. 13, lines 44-49) provided in the camera body; a communication means (Fig. 2: 65) provided in the camera body for transmitting image data obtained by said imaging means to an external image data receiving means (Col. 7, lines 15-32; col. 7, line 65 – col. 8, line 11; col. 8, lines 47-57); and a display means (Figs. 1: 64 and 14: 221a) provided on the camera body for displaying said image (Col. 7, lines 15-32; col. 7, line 65 – col. 8, line 11; col. 8, lines 47-57; Col. 13, line 14 – col. 14, line 11).

Therefore, taking the combined teaching of Kurase in view of Tsukahara as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kurase by having a communication means provided in the camera body for transmitting image data obtained by said imaging means to an external image data receiving mean. The motivation to do so would have been to

Art Unit: 2622

improve the functionality of the camera by facilitating communication between the camera and other external devices as suggested by Tsukahara (Col. 7, lines 29-33).

**Regarding claim 3**, the combined teaching of Kurase in view of Tsukahara as applied to claim 1 teaches a shutter button (See Tsukahara, fig. 14: 218; col. 14, lines 38-44) disposed in the center of the upper face of said camera body. Grounds for rejecting claim 1 apply here.

**5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurase, US 2002/0063783 A1 in view of Tsukahara, US Patent 6,295,088 B1 and further in view of Steinberg et al., US Patent 6,750,902 B1.**

**Regarding claim 2**, the combined teaching of Kurase in view of Tsukahara fails to teach that the removable flexible disk has a diameter of less than or equal to 50.8 mm (2 inches).

However, the use of flexible disk having a diameter of less than or equal to 50.8 mm (2 inches) is notoriously well known in the art as taught by Steinberg et al. Steinberg et al. teaches a digital camera (Fig. 2: 56) capable of storing the image data in a flexible disk having a diameter of less than or equal to 50.8 mm (2 inches) (Steinberg et al. teaches that the camera can load the image information in a removable storage, wherein said removable storage, may be a Klik! storage device (Co. 6, lines 27-43) (Iomega Klik! storage device measures 2 inches of diameter)).

Therefore, taking the combined teaching of Kurase in view of Tsukahara and further in view of Steinberg as a whole, it would have been obvious to one of ordinary skill in the art to modify the digital video camera by using a flexible disk having a

diameter of less than or equal to 50.8 mm (2 inches). The motivation to do so would have been to increase the portability of the camera by reducing its size and to reduce the power consumption by taking advantage of the low power consumption of the Klik! drive.

**6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurase, US 2002/0063783 A1 in view of Tsukahara, US Patent 6,295,088 B1 and further in view of Suzuki, US Patent 5,634,162.**

**Regarding claim 4**, the combined teaching of Kurase in view of Tsukahara fails to teach that the shutter button to indicate the timing of imaging to said imaging means, and said imaging means switches said imaging between still and motion picture images based on the duration of time for which said shutter button is pressed down.

However, Suzuki teaches a video camera (See fig. 1), comprising a shutter button (Fig. 2: 35) wherein said shutter button is adapted for use to indicate the timing of imaging to the imaging means (See fig. 4, step S109; col. 8, lines 42-55; when the shutter button is pressed the camera starts the incorporated timer), and said imaging means switches said imaging between still and motion picture images based on the duration of time (when the time is up in the timer the camera would change from still image recording to video recording; see fig. 4, steps S111 and step S114) for which said shutter button is pressed down (Col. 7, line 62 – col. 9, line 30).

Therefore, taking the combined teaching of Kurase in view of Tsukahara and further in view of Suzuki as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital video camera by

Art Unit: 2622

having the shutter button to indicate the timing of imaging to said imaging means, and having the imaging means switching the imaging between still and motion picture images based on the duration of time for which said shutter button is pressed down.

The motivation to do so would have been to facilitate the operation of the camera to the user since the number of steps for changing from one mode to the other is minimized, it would also help to decrease the number of buttons to the digital video camera.

**Regarding claim 5**, the combined teaching of Kurase in view of Tsukahara and further in view of Suzuki as applied to claim 4 teaches that the imaging means obtains a still image when said duration is less than a predetermined time period, and a motion picture when said duration is equal to or more than said predetermined time period (As taught in Suzuki, the predetermined time period for taking the still image is shorter than the predetermined time period for taking the motion picture since the timer would give a predetermined amount of time to capture the still image and after said amount of time is ended the camera will switch to video recording). Grounds for rejecting claim 4 apply here.

### ***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..


Art Unit: 2622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nelson D. Hernandez  
Examiner  
Art Unit 2622

NDHH  
September 15, 2006



VIVEK SRIVASTAVA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600